

MOON LAKE WATER USERS ASSOCIATION

Roosevelt, Utah

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MAY 31 1996

WATER RIGHTS
SALT LAKE

May 30, 1996

Mr. Robert L. Morgan P.E.
Utah State Engineer
1636 West North Temple
Salt Lake City, Utah 84116

RE: Water Right No. 43-10506 - UGW Claim No. U24118

Dear Mr. Morgan;

The Moon Lake Water Users Association recently learned that Mr. Bruce Hartman filed a underground water claim No. U24118 that included development of a dam, ditches and other features that he claims have been used since before the 1935 recording deadline. We understand that comments are not solicited but the Moon Lake Water Users Association does not agree that this is an underground water claim or that it was developed before the 1935 deadline and therefore would like to protest this filing for the following reasons:

1. As listed in the filing, Blood Draw is a tributary to the Sandwash Creek system north of the Sandwash Reservoir owned by this Association.
2. The excavated pond, as described in the filing consisting of a dam 6 foot in height and 60 feet in length is located across the natural draw and intercepts all flows in that draw including natural surface runoff, irrigation runoff and springs that have developed since irrigation began all of which are defined as surface water.
3. It is our understanding that Underground Water is any water that is developed by installing drain pipe to collect the water and bring it to the surface or drilling a well. We do not believe that Mr. Hartman has done anything to develop this other than build a dam to capture a spring that was already producing surface water.
4. We obtained a overhead photograph taken in 1936 from the National Archives that shows no development at that location at that time. It appears that the area could have been wet, but there is no evidence of a dam constructed at that location. Any development after that time would require the regular filing process and at this time it would be junior to all other filings on the system.
5. We also have an overhead photo from 1952 which shows a comparison. We feel that the dam constructed at that location, is intercepting all flows and was placed there without a legal right.
6. None of the affidavits that accompany the filing describe or state the source of the water or knowledge of the process of development. The affidavits only describe irrigation of lands from ditches located in that area which could have easily had other sources of supply.

The Moon Lake Water Users Association board of directors requests the Division of Water Rights require Mr. Hartman to:

1. Define underground water.
2. Describe in detail, the method of developing the underground water that he claims and the collection process such as installation of a underground collection system.
3. Method of identifying and segregating this designated water from all other water sources.

Sincerely;



Lynn R. Winterton
Manager